

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JAMES EARL CRAMER,

Petitioner,

VS.

NATHANIEL QUARTERMAN,
DIRECTOR, TEXAS DEPARTMENT
OF CRIMINAL JUSTICE,
CORRECTIONAL INSTITUTIONS
DIVISION,

Respondent.

NO. 4:06-CV-201-A

AUG - 4 2006

CLERK, U.S. DISTRICT COURT

Deputy

O R D E R

Came on for consideration the above-captioned action wherein James Earl Cramer is petitioner and Nathaniel Quarterman, Director, Texas Department of Criminal Justice, Correctional Institutions Division, is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On July 12, 2006, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation, and ordered that the parties file objections, if any, thereto by August 2, 2006. On July 27, 2006, petitioner filed a motion to reconsider, which the court construes to be his written objections. Respondent has not made any further response.

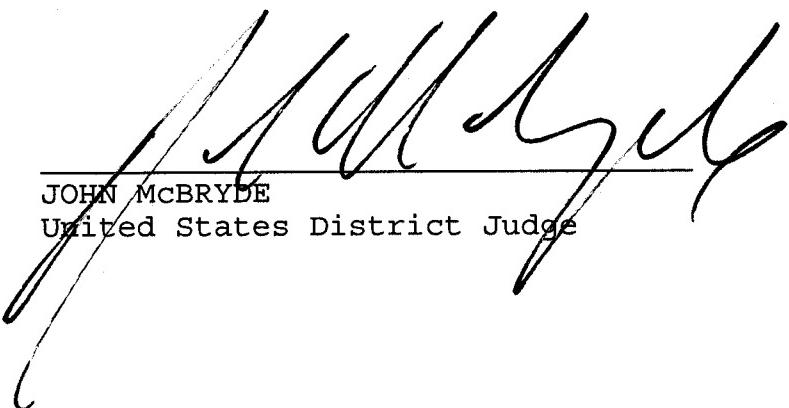
In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of those portions of the proposed findings or

recommendations to which specific objection is made. United States v. Raddatz, 447 U.S. 667 (1980). The court is not addressing any nonspecific objections or any frivolous or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

Generally, for this court to have subject-matter jurisdiction over a claim brought under 28 U.S.C. § 2254, the petitioner must be in custody pursuant to the conviction he is attacking. See 28 U.S.C. § 2254(a). Solely because petitioner is attacking a sentence he is no longer serving, the magistrate judge recommended that this action be dismissed for lack of subject-matter jurisdiction. Petitioner does not specifically object to this finding and recommendation. Therefore,

The court accepts the findings, conclusions and recommendation of the magistrate judge and ORDERS that the petition in this action be, and is hereby, dismissed.

SIGNED August 4, 2006.


JOHN MCBRYDE
United States District Judge